



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.3292 of 2020

K.Srinivasan

... Petitioner

/vs./

1.The District Collector,
Office of the Collectorate Campus,
Karur District, Karur.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Karur, Karur District.

3.The Tahsildar,
Office of the Tahsildar,
Aravakurichi Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.A3/2139/2009 dated 14.02.2020 and quash the same in respect of disbursement of encashment of earned leave, unearned leave on private affairs and special provident fund of the petitioner's contribution is concerned.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The petitioner had earlier worked as Village Administrative Officer, Munnar Village, Aravakurichi Taluk, Karur District, who was dismissed from service on 01.04.2009. Since the petitioner's claim for payment of encashment of his Earned Leave, Unearned Leave on Private Affairs and Special Provident Fund contribution came to be rejected by the second respondent on 14.02.2020, the present writ petition has been filed.



2. The issue with regard to the disbursement of the encashment of leave salary and special provident fund has already been settled in various decision and the judgment of the Division Bench in W.A.No.207 of 2016 dated 26.02.2016 in the case of TANSIDCO vs P.K.Panchaksharam is one, wherein it was held as follows:-

'2.The writ petitioner, who is the respondent herein, filed the writ petition, seeking direction to the appellants herein to disburse his retirement benefits, such as gratuity, special provident fund, encashment of earned leave and unearned leave on private affairs.

3.The respondent herein working as Electrician in the Electricity Board was to retire on attaining the age of superannuation on 30th June, 2013. However, he was not permitted to do so on account of pendency of the criminal case under the provisions of the Prevention of Corruption Act, 1988.

4.The learned Single Judge, considering all aspects of the matter, held that the petitioner was having earned leave and unearned leave on private affairs before initiation of the case and as such, he is entitled to encashment of earned leave and unearned leave on private affairs. The claim of gratuity was given up by the employee / writ petitioner on the ground that in the event of conviction and dismissal of service, the writ petitioner may not be entitled to get gratuity. The special provident fund was also not granted as the writ petitioner failed to establish any contribution made by him. While disposing of the writ petition, a direction was made to the appellants herein to disburse encashment of earned leave and encashment of unearned leave on private affairs. In respect of special provident fund, it was held that if any contribution was made by the writ petitioner, the same can be paid to the petitioner.

5.We do not find any error, illegality or infirmity in the order sought to be impugned in this writ appeal preferred by the Tamil Nadu Generation and Electricity Distribution Corporation Ltd., warranting interference. Thus, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition stands closed.'

3.The aforesaid observations made in the decision are self explanatory. In view of these observations, it can be held that the



earned leave salary and the petitioner's contribution towards Special Provident Fund would be deemed to be the petitioner's property, which he would be entitled to receive the same.

4. For all the forgoing reasons, the impugned order in Na.Ka.No.A3/2139/2009 dated 14.02.2020 is set aside. Consequently, the petitioner is granted liberty to make a representation enclosing the copy of this order seeking to disburse the encashment of earned leave salary, unearned leave salary and Special Provident Fund and on receipt of such representation, the second respondent herein shall positively disburse the eligible leave salary and ensure that such disbursement is made at least within a period of eight weeks from the date of receipt of a copy of this order along with representation.

5. With the above direction, this Writ Petition is allowed.
No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1. The District Collector,
Office of the Collectorate Campus,
Karur District, Karur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Karur, Karur District.
3. The Tahsildar,
Office of the Tahsildar,
Aravakurichi Taluk,
Karur District.

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-9379[F] dated 28/02/2020)

+1 CC to M/s.SPL.GP (SR-9640[F] dated 02/03/2020)